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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,568	01/04/2002	Dean A. Seifert	020375-003000US	3306

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,568

Applicant(s)

SEIFERT ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 8. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Carrithers et al, US Patent No. 5,689,100.

Re claims 1, 6, 33, Carrithers et al disclose a debit card system and method for implementing incentive award program comprising: receiving money at a transfer location 122/124 from a potential purchaser; a data storage device 116 for storing an electronic record of the received money in a store value account of the purchaser; receiving a request from the purchaser through his debit card 114 to transfer at least a portion of the received money to a recipient 108/110/112; and electronically sending the requested money to the recipient and debiting the store value account (see figures 1, 3, 6, and col. 4, line 31+ and col. 9, line 62 to col. 10, line 46).

Re claim 2, wherein the money transfer location includes a device that is communicable with a host computer 116, and wherein the stored value account is stored in the host computer after receiving information on the received money from the device (see figure 6).

Re claim 3, wherein the request to transfer the money is received at a server 102 that is communicable with the host 116 (figure 6).

Re claim 4, wherein the money is received from a cash deposits (see figure 6).

Re claim 5, wherein the host computer is configured to electronically transfer the request money to the recipient (see figure 6).

3. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Marcous et al, US Patent No. 5,650,604.

Marcous et al disclose a system and method for electronic transfer of funds using an automated teller machine to dispense the transferred funds comprising: an initiating terminal 110 requesting input of the amount to be transferred and input of a security code, such as the sender's phone number, and is encrypted at the initiating terminal, sent to the central terminal and stored in its encrypted state, the initiating terminal 110 then requests input via card swipe, including PIN for the card used where appropriate, the initiating terminal 110 directs the sender to provide the amount to be transferred, the security code, and the PIN to his intended recipient in order to receive the designated and transferred funds; a recipient, after obtaining from the sender the appropriate security information, preferably: the sender's phone number, the amount of money transferred and, the system-generated PIN issued to the sender by the initiating terminal, then goes to an ATM which has electronic funds transfer capability, the recipient inputs the information as requested by the ATM screens and the cash is dispensed to the intended recipient; and creating an electronic record of the payment. (see figures 3 and 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous et al in view of Claus, US Patent No. 5,461,217. The teachings of Marcous et al have been discussed above.

Marcous et al teach a system that uses a credit card, debit card, smarty card, or stored value cards for initiating a transfer transaction and also teach that the recipient is not required to use a card to interact with the dispensing terminal or to receive the transferred money, but fail to disclose providing the recipient with various option for receiving the transferred money.

Claus disclose a secured money transfer techniques using smart cards comprising: smart cards 102, 104 including security lock 108, 120 for controlling transferring of money between the smart cards. (see col. 3, lines 60+).

In view of Claus' teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the teachings of Marcous et al to includes means for transferring the money directly to smart/credit/debit/store value cards or financial accounts. Such modification would be more convenience by providing the customers alternating means for receiving the transferred money and would provide additional security wherein the customers could receive the money electronically to avoid possible theft. Regarding to some of the details method steps, such as language option for conducting the transactions, telephone request, in-person visit, etc. these specific details fall within the engineering design choice, failing to provide any unexpected results. Furthermore, with regard to some of the details method steps, such the sender has an option for receiving a message from the recipient, since the structural limitations are as recited and outlined in the prior art, the method steps are obtained,

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and, therefore, obvious. Therefore, it would have been an obvious extension as taught by Marcous et al.

Response to Arguments

6. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stimson et al, US Patent No. 5,721,768, disclose a pre-paid card system and method. Murphree et al, US Patent No. 5,732,136, disclose a merchant specific direct card verification system. Rasafi et al, US Patent No. 6,473,500, disclose a method for using a prepaid card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a circular stamp or seal.

DS
October 6, 2003